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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3866 OF 2005

Shri Madhu Dattatraya Athalye ... Petitioner

v/s

The President,
Gramin Shikshan Prasarak Mandal,
Kondgaon & ors. ... Respondents

Mr. N.V. Bandiwadekar for the petitioner.

Mr. Mihir Desai for the respondent No.5.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 12TH JULY, 2007.

P.C.:

1. The petitioner challenges the order of the School Tribunal dated 24.3.2001. The appeal filed by the petitioner was dismissed. The petitioner contended that he was senior to the respondent No.5. As an Assistant Teacher, he was entitled to be made Head Master of the school where a post was vacant. However, because the school in which he and the respondent No.5 were working was a girls' school and the law requires only a lady teacher to be appointed as a Head Mistress, he was not appointed as the Head Master. Instead, respondent No.5 was appointed as the Head Mistress. According to the

petitioner, the school became co-educational at the beginning of the academic year 2000-2001. The petitioner therefore made an application for being appointed as a Head Master in place of respondent No.5. He contended that he had the requisite qualifications and there was no need to continue a lady teacher as the Head Mistress.

2. The School Tribunal has rightly held that the petitioner could not be given any relief. Respondent No.5 had already put in five years as the Head Mistress and, therefore, the petitioner had no case against respondent No.5. That the school became co-educational from the academic year 2000-2001 is a fortuitous circumstance. There is no bar in having a Head Mistress in a co-educational institution. The clock cannot be put back to accommodate the petitioner. Therefore, the School Tribunal has rightly dismissed the appeal filed by the petitioner.

3. Petition dismissed.

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